

AGENDA

COMMITTEE ON ADMINISTRATION/INFORMATION SYTEMS

February 13, 2006
Aldermen O'Neil, Lopez,
Smith, Forest, DeVries

5:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman O'Neil calls the meeting to order.
2. The Clerk calls the roll.
3. Chairman O'Neil advises that the first purpose of the meeting is organizational in nature, and requests the Clerk to provide a brief overview regarding typical issues addressed by the Committee.
4. Discussion relative to Business License application of Electra Nightclub at 34 Fir Street.
5. Communication from Attorney Kevin Buchholz, on behalf of Metro Cab and Kenneth DeSchuiteneer, relative to a rate increase of cab fares.
Ladies and Gentlemen, what is your pleasure?
6. Communication from Joseph Lahr, Executive Director of MCAM TV 23, providing a detailed list of expenditures associated with their new facility.
Ladies and Gentlemen, what is your pleasure?
7. Ordinance:
 "Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new chapter 94: Noise Regulations."
 (Note: referred to committee by the Board of Mayor and Aldermen on 12/06/2005.)
Ladies and Gentlemen, what is your pleasure?

TABLED ITEM

A motion is in order to remove the following item from the table for discussion.

8. Communication from Thomas Arnold, Deputy City Solicitor, providing an update on the status of cable casting origination points.
(Tabled 11/22/2005 pending further information from the Board of School Committee.)
9. If there is no further business, a motion is in order to adjourn.



BUSINESS LICENSE APPLICATION

Office of the City Clerk/Business Licensing & Enforcement Division/One City Hall Plaza/Manchester, NH 03101/(603) 624-6348
Web site: www.ci.manchester.nh.us

Date: 1/24/06

Instructions:

1. Please return all pages of this application with all applicable information completed.
2. Using the worksheet provided, figure the total business license fee.
3. Please make checks payable to the "City of Manchester".
Checks returned by your financial institution are subject to a \$30.00 penalty.
4. The licensing year begins May 1st.
Applications received after this time may be subject to a late charge. New licenses will expire on April 30th of the following year, unless the licensed activities are otherwise limited or invalidated by local, state, or federal authority.

Section I. Identification

Applicant: LARJ INC.
Business Name: DBA Electra Nightclub
Business Address (No P.O. Box): 22 FIR ST
MANCHESTER, NH 03101
Telephone #: 644-1100 Fed. Tax I.D. #: _____
Manager's Name(s): JACK D. FRANKS / Dana S. Clay
Property Owner/Management Company: WHITECLIFF Realty
Mailing Address (No P.O. Box): ~~22 FIR ST~~ 1 Colonel Wilkins Rd
Telephone #: 603-2698 Amherst, NH 03031

As part of the application process, some city departments may need to contact your business to schedule an interview or an inspection. Please identify the person to be contacted and the best time(s) to call.

Contact Person: JACK D. FRANKS 800-249-2900 Time(s): Anytime 8am-8pm

Section II. Business Information

1. BUSINESS ACTIVITIES:

Please check all applicable sections:

<input checked="" type="checkbox"/> Amusement Devices **	<input type="checkbox"/> Dance/Entertainment-Restaurant ***	<input type="checkbox"/> Performers/Exhibitors ***
<input type="checkbox"/> Amusement Device Vendor **	<input type="checkbox"/> Downtown Sidewalk Encumbrance ***	<input type="checkbox"/> Raffle ****
<input type="checkbox"/> Antique Dealer *	<input type="checkbox"/> Employment Agency *	<input type="checkbox"/> Secondhand Dealer *
<input type="checkbox"/> Arcade (6+ amusement devices) **	<input type="checkbox"/> Entertainment Place of Assembly ***	<input checked="" type="checkbox"/> Sunday Activities *
<input type="checkbox"/> Auctioneer/Auction House *	<input type="checkbox"/> Fair ***	<input type="checkbox"/> Tag Day ****
<input type="checkbox"/> Christmas Tree Sales *	<input type="checkbox"/> Itinerant Photography/Magazine Sales ***	<input type="checkbox"/> Taxicab/Dispatch Company *
<input type="checkbox"/> Circus/Carnival ***	<input type="checkbox"/> Junk Dealer/Junk Collector *	<input type="checkbox"/> Towing Company *
<input checked="" type="checkbox"/> Dance/Entertainment ***	<input type="checkbox"/> Peddler/Civic Center Peddler ***	<input type="checkbox"/> Other

(*) Refer to Section II(1) (**) Refer to Section II(2) (***) Refer to Section II(3) (****) Refer to Section VI (pg. 7)

4

Type & Name of Device	Serial Number	Lic. Sticker # (Office use only)	Owner of Device & Address

I, Jack D. Frank, hereby certify that all of the information presented above is true and accurate.
Signature: [Signature] Title: President Date: 1/24/06
(Signature and Title of duly authorized officer, owner or partner)

4

Section IV (cont.) Business Principals & Signature

3. If a Corporation (cont.):

(Vice President #2) Name: _____ D.O.B.: _____

Residence: _____ Social Sec. #: _____

Telephone #: _____

(Treasurer) Name: _____ D.O.B.: _____

Residence: _____ Social Sec. #: _____

Telephone #: _____

(Secretary) Name: _____ D.O.B.: _____

Residence: _____ Social Sec. #: _____

Telephone #: _____

(Clerk) Name: _____ D.O.B.: _____

Residence: _____ Social Sec. #: _____

Telephone #: _____

Duly authorized signature: _____

Print name signed above: _____



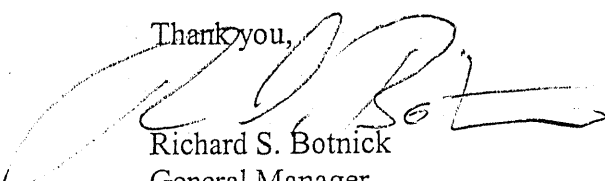
To Whom It May Concern,

I am writing this letter to express my concern with the proposed opening of the nightclub Electra, at 34 Fir St., as a local business operator and property owner in the city of Manchester.

I operate a facility that is in this neighborhood and wonder what is going to be done to protect local business and households in it. Currently, I fear that enough will not be done to protect the neighborhood, as I have seen the situations that have occurred with other large clubs in the city and their surrounding areas. I also see this area being far more residential than other areas that have been dealing with problems thus far. With new development of Manchester Place and other households on and surrounding Elm St. I believe this area is not designed to support another such business with Envy and Raxx already existing in this neighborhood. The potential for property damage and public disturbance is going to multiply severely, with the addition of another 800+ club goers wandering out into the neighborhood in the middle of the night.

In closing, I would just like to express one last time that I do not agree with Club Electra opening in this neighborhood, as I believe it to be the catalyst for many problems to come.

Thank you,



Richard S. Botnick
General Manager
E & R Laundry & DryCleaners
55 Central Street
Manchester, NH 03101

4

LEMAY BROTHERS INC
FAMILY OWNED SINCE 1884

1225 ELM ST.
MANCHESTER, NH
03101
603 622-0953

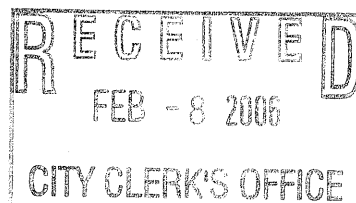
February 6, 2006

Mr. Dan O'Neil
Chairman, Board of Administration
One City Hall Plaza
Manchester, NH 03101

Dear Mr. O'Neil:

We are owners of the Lemay Building at 1217-1225 Elm Street. We are also owners of Lemay Brothers Jewelers, a family owned and operated business established in 1884. The purpose of this letter is to strongly voice our opposition to the opening of another club/bar known as Electra. Since 1988 we have been plagued with numerous bars, The Salty Dog, Charlie Peppers, The Brass Monkey and now Envy. These clubs pose a nuisance to the neighborhood as we have been inundated with broken windows at the cost to us totaling \$16,582.00 which is not covered by our Insurance. We have large display windows with curved glass and they seem to be a big temptation to the patrons leaving the bar on the corner of Bridge and Elm Street. In addition, we've been called to our store between 12:30 AM and 2:00 AM countless times because our windows have been hit activating the alarm. Then trash, vomit, blood, graffiti and urine can be found to be cleaned up. We absolutely feel that the potential of opening another club with the capacity of 800 people will wreak havoc in our already plagued neighborhood.

Manchester is a City with great potential, which leaves us dismayed as to how this kind of behavior can be tolerated. Establishments like The Omega Club, Envy and now Electra bring absolutely nothing of any value to our City and put a tremendous strain on Police personal and resources.



4

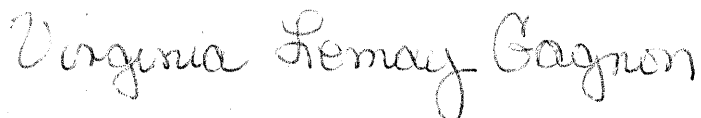
What is the legacy and vision of Manchester to be? Known as Manch-Vegas or Club Manchester! We are discouraged and desperate to find a solution to the continuing problems of the clubs. Enclosed is a list of our dealings this past year with late night calls caused by the clubs. Enough is enough! We strongly suggest that an alternative is found to revitalize Downtown! Clubs, surely are not the answer.

Sincerely,

Denis Gagnon

A handwritten signature in cursive script, appearing to read "Denis Gagnon", with a long horizontal flourish extending to the right.

Virginia Lemay Gagnon

A handwritten signature in cursive script, appearing to read "Virginia Lemay Gagnon", written in a fluid, connected style.

LEMAY BROTHERS INC
FAMILY OWNED SINCE 1884

4
1225 ELM ST.
MANCHESTER NH
03101
603 622-0953

1-14-2005 1:30 AM Case # 05-34-30 Broken Window

They were kicked out of Envy. Police outside of Envy watched them walk north on Elm St. and turn up Pearl St. then our Alarm went off. No one witnessed them break the window.

3-20-2005 1:40 AM

Glass Breaks Alarm. Glass door at 1217 Elm St. was broken

6-04-2005 2 AM

Glass Breaks Alarm.

6-18-2005 12:30 AM

Glass Breaks Alarm.

6-23-2005 1:30 AM

Glass Breaks Alarm. Pearl Street window

7-08-2005 12:30 AM

Glass Breaks Alarm.

11-05-2005 1:45 AM

Glass Breaks Alarm. Pearl St. window. Arrest made.

12-24-2005 1:13 AM Case #101932 2 Broken Windows

Police called. Two broken windows on Elm and Pearl St. Girl was thrown out of Envy. She was arrested for disorderly conduct

5
LAW OFFICES
WALKER & BUCHHOLZ

Professional Association
50 BRIDGE STREET, SUITE 205
MANCHESTER, NEW HAMPSHIRE 03101-1699

JAMES G. WALKER
KEVIN E. BUCHHOLZ

RECEIVED
MANCHESTER CITY CLERK

05 DEC 21 P12:19

PHONE (603) 634-5090
FAX (603) 644-8811
INTERNET: kbuchholz@walkerbuchholz.com

December 20, 2005

VIA FACSIMILE
624-6481

Board of Aldermen
Committee on Administration and Information Systems
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Metro Cab Company, Inc.
File #: 7886

Dear Board of Aldermen:

As you know I represent Metro Cab and Kenneth DeSchuiteneer with respect to his request for a rate increase for the cab fares.

The first meeting on this issue was held on September 27, 2005. At that time the committee decided to table the issue in order to obtain additional information. Including obtaining information from the Manchester Police Department concerning the enforcement of the city ordinance prohibiting cabs not licensed to pick up in the city.

The next meeting would have normally taken place on October 25, 2005. However, at that time my office was informed that the issue would not be heard at the October 25 meeting. Instead, we would be notified when the issue would next be scheduled to be heard.

We have now come to learn that the issue was taken up at the November meeting. We have also learned that none of the interested parties that were present at the first meeting were present at the November meeting.

I can tell you that my client and I were not present because we never received notice that the issue would be taken up at the November meeting. I suspect that none of the other interested parties were present, because they likewise failed to receive any notice that the issue would be taken up at the November meeting.

Since the initial meeting my client has obtained additional information that disputes the assertion that Manchester cab rates are among the highest in the nation.

For example, in the month of September alone there were seven cities/counties that increased taxicab fares. (Birmingham, Alabama; Broward County Florida; Little Rock, Arkansas; Memphis, Tennessee; Montgomery City, Maryland; New Haven, Connecticut and Wilmington, North Carolina). The average drop charge for those seven cities/counties is \$3.06 (Manchester is \$3.00 with no increase being requested). The average six-mile trip with no waiting time in those cities/counties is \$13.70 (Manchester is currently \$12.00). The average waiting time fee in those seven cities/counties is \$21.86 per hour (Manchester's waiting fee charge is currently \$15.00 per hour, far below the average).

Between January 1, 2005 and September 1, 2005 other communities raised their taxicab rates. In those 22 communities the average 6 mile trip with no waiting time costs \$14.44. Manchester currently charges \$12.00 for the same trip.

That means for every 100 miles Manchester taxicab drivers are charging \$244.00 less than cab drivers in other cities. The average cab does approximately 100 fare miles per shift. Hence, the average cab driver in Manchester is taking in \$244.00 less per shift than cab drivers in other cities.

Attached hereto is a Taxicab Rate Chart showing the rates for communities with permanent taxicab rate increases passed in 2005 prior to September 1, 2005. Of the 22 communities listed, all but 2 charge higher rates for a 6 mile trip (not including waiting time charges). Most charge significantly higher than Manchester rates. The average waiting time charge for the 22 communities is \$25.43 per hour (Manchester is currently \$10.43 per hour lower).

Given the misrepresentation that were made by others at the initial meeting and the lack of notice of the scheduling of the follow up meeting, my client respectfully request that the Committee reschedule the issue to be heard at the next available meeting.

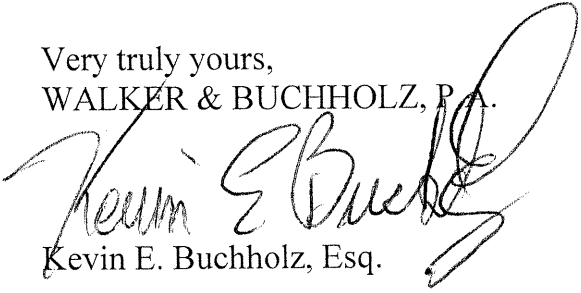
Lastly, my client respectfully requests the Board of Aldermen to consider revising the current city ordinance to remove set fees and allow companies to compete on price. Further, while the ordinance should regulate the safety and quality of the vehicles used as cabs, the ordinance should be amended to allow for more diversity in the types of vehicles that can be used as taxicabs. The current ordinance does little to promote the use

5
Board of Aldermen
December 20, 2005
Page 3

of new fuel efficient technology vehicles. Instead the ordinance forces companies to utilize vehicles that are not fuel efficient.

Your consideration is greatly appreciated.

Very truly yours,
WALKER & BUCHHOLZ, P.A.


Kevin E. Buchholz, Esq.

KEB:sap
Enclosure
Cc: Kenneth DeSchuiteneer

Taxicab Rate Charts[‡]

Communities with permanent taxicab rate increases passed in 2005

CITY	STATE	POP. /1000/	# of Taxis	Cost of 6-Mile Trip*	Drop Charge	Drop Distance	Incremental Charge	Incremental Distance	Waiting Time
				\$	\$	Mileage	\$	Mileage	Per Hr. \$
Anaheim	CA	328	604	16.40	2.40	1/6	0.40	1/6	27.60
Austin	TX	657	533	13.75	2.00	1/4	0.25	1/8	22.50
Baltimore	MD	651	1,157	11.20	1.80	1/8	0.20	1/8	24.00
Buffalo	NY	293	350	16.30	2.30	1/6	0.40	1/6	24.00
Charleston	WV	195	27	11.12	2.00	1/3	0.16	1/10	21.00
Fairfax County	VA	1,000	525	12.90	2.75	1/5	0.35	1/5	21.00
Forked River	NJ	26	11	14.00	5.00	1.5	0.25	1/8	35.00
Honolulu	HI	850	1,900	18.90	2.45	1/8	0.35	1/8	28.00
Houston	TX	1,954	2,245	13.00	2.50	1/6	0.30	1/6	20.00
Kansas City	MO	442	635	12.03	2.00	1/10	0.17	1/10	40.80
Las Vegas	NV	478	1,971	14.95	3.20	1/8	0.25	1/8	22.00
Milwaukee	WI	597	327	13.50	1.75	1/8	0.25	1/8	15.00
Orlando	FL	186	750	13.75	2.00	1/4	0.25	1/8	22.50
Oshkosh	WI	63	24	15.60	3.00	0/0	0.35	1/6	30.00
Palm Beach County	FL	1,216	500	15.25	2.00	1/9	0.25	1/9	24.00
Philadelphia	PA	1,518	1,441	14.60	2.30	1/7	0.30	1/7	20.00
Pinellas County	FL	926	550	14.05	2.30	1/8	0.25	1/8	36.00
Pomona	CA	149	140	15.18	2.20	1/10	0.22	1/10	24.00
San Diego	CA	1,223	930	15.90	2.20	1/23	0.10	1/23	19.00
Santa Fe	NM	62	30	15.72	2.67	1/5	0.45	1/5	29.00
Seattle	WA	563	643	14.80	2.50	1/10	0.20	1/10	30.00
Smithfield	NC	12	16	14.80	3.00	1/10	0.20	1/10	24.00
Average				14.44	2.47	1/5	0.27	3/23	25.43

* Cost of 6-mile trip calculated strictly based on mileage fee and the fuel surcharge, if any, with no extras, traffic delay or waiting time added.

[‡] The 2005 *Taxicab Fact Book*, published annually by TLPA, is currently at the printer. It should be available for distribution in about a week. Among other information, the 2005 *Taxicab Fact Book* lists complete taxicab rates in approximately 200 U.S. communities.

5



CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

November 23, 2005

Joseph Lahr
Executive Director
MCAM TV23
540 N. Commercial Street
Manchester, NH 03101

Dear Mr. Lahr:

Please be advised that at a meeting of the Committee on Administration/Information Systems, held on November 22, 2005, it was voted to have MCAM provide the Committee with a detailed list of expenditures associated with their new facility.

If you could provide this information to the Committee in care of the City Clerk's Office at your earliest convenience we would appreciate it.

Sincerely,

Lisa Thibault
Legislative Assistant



Manchester Community Access Media, Inc.

TV23 - Public Access Cable Television for Manchester, New Hampshire

540 N Commercial Street. Manchester, NH 03101

www.mcam.org P: 603-622-3023 F: 603-622-9323

1/23/06

To the Honorable Mayor and Board of Aldermen:

The Staff and Board of Manchester Community Access Media would like to update you on our status and progress as we enter 2006.

MCAM is operational and fully functioning! In a matter of a few months, a dozen private citizens have built a community media center. MCAM moved to our new facilities at 540 North Commercial Street on June 20, 2005. Construction and upgrades included the immediate creation of a Studio B, then the main Control Room, the waiting area, a dividable conference room, two enclosed editing rooms and a large computer workroom. The facility comfortably meets the needs of the Producers and is positioned for growth. MCAM upgraded the restrooms with ADA compliant fixtures, added a lighting grid in Studio A, and upgraded the cold-air conditioning and electrical capabilities of the facility including the addition of two new power transformers and much, much more. We received over 800 hours of volunteer help with cleaning, painting, building, and finish work.



- MCAM is operated by three staff; we are open to the public about **60** hours per week, more than **twice as much** as what was available at the MST location.
- MCAM has seen a **98.5%** return rate from the original Producers from MCTV.
- Nearly **50** New members signed up for our very **first** orientation class.
- Since opening in mid-July Producers have taped or submitted over **650** new programs.
- MCAM tapes an average of **30** shows—with another **10-15** show delivered by Producers—each week.
- The *mcam.org* website averages about **4,500** hits each month.
- MCAM has inaugurated a **first-in-the-nation**, for PEG access--or maybe TV in general--website utility that allows people worldwide to download the shows created by any of our citizen Producers - We are developing new



Manchester Community Access Media, Inc.

TV23 - Public Access Cable Television for Manchester, New Hampshire

540 N Commercial Street, Manchester, NH 03101

www.mcam.org P: 603-622-3023 F: 603-622-9323

The following is the Report has been delivered to the office of the City Clerk detailing the construction costs that we have incurred to date in building this facility. We invite you to review the document, however there is nothing better then a personal visit to the studios to see first hand the work that has been completed to date and to see MCAM and Public Access TV 23 in action!

MCAM receives its funding based on the previous 4 quarters earnings of Comcast ending June 30 each year. These funds are based on a 5% franchise fee that Comcast charges its cable television subscribers. This 5% fee is paid directly to the city of Manchester which in-turn funds Public Access Television (MCAM) by transferring 1% of the 5% to MCAM to administer and operate Public Access TV 23. As I am sure you are aware this means that if Comcast does well the City of Manchester and MCAM both receive the benefit of increased revenue with the City receiving the lions share, as it should be. This also works to the reverse should Comcast post a decrease in revenue as was the case for the 3rd quarter of this year ending September 30 2205. In effect Comcast posted earnings, which were \$6,000.00 less than the previous quarter. The agreement that was crafted with MCAM protects the city and taxpayers from having to dip deeper into their pockets in the event that Comcast has an off year and posts lower earnings by funding Public Access TV 23 (MCAM) at the level of the Franchise fee.

Manchester Community Access Media, Inc.

Construction - Leasehold Improvements Vendor Summary

All Transactions	Accrual Basis Jan 22, 06
Allsafe & Lock	-832.00
Anthony Williams	-1,000.00
Bryan Currier Home Improvements	-50,638.53
Dean's Carpet	-2,104.43
Dividers Plus	-2,685.00
Empire Sheet Metal	-1,500.00
Home Depot	-2,827.08
JCM Management	-176.00
Lang Door and Hardware	-9,355.00
Levasseur Electric	-185.00
Sherwin Williams	-71.98
Standard Electric	-22,097.73
Vernie Riggins	-1,050.00
TOTAL	-94,522.75

6

Manchester Community Access Media, Inc.
Statement of Financial Position

As of October 31, 2005

Accrual
Basis
Oct 31, 05

ASSETS

Current Assets

Checking/Savings

100.00 · Cash in Bank

101.01 · Southern NH Bank - CKG

101.20 · Southern NH Bank - PR Account

101.30 · Southern NH Bank - MM

101.40 · Petty Cash on Hand

Total 100.00 · Cash in Bank

29,941.79

13,301.44

3,325.29

85.75

46,654.27

101.60 · Restricted Funds

101.61 · Bank of America CKG-R

101.62 · Bank of America MM-R

101.63 · Bank of America CD-R

Total 101.60 · Restricted Funds

2,016.82

5,128.60

100,990.59

108,136.01

Total Checking/Savings

154,790.28

Other Current Assets

103.00 · Refundable Deposits

103.01 · Rent

Total 103.00 · Refundable Deposits

5,060.00

5,060.00

140.00 · Prepaid Expenses

141.01 · Prepaid Insurance

Total 140.00 · Prepaid Expenses

2,531.28

2,531.28

Total Other Current Assets

7,591.28

Total Current Assets

162,381.56

Fixed Assets

160.00 · Fixed Assets

163.00 · Leasehold Improvements

164.00 · Furniture & Fixtures

164.10 · Accum Depr-Furn & Fix

164.00 · Furniture & Fixtures - Other

Total 164.00 · Furniture & Fixtures

13,184.44

-616.94

13,859.05

13,242.11

165.00 · Office Equipment

165.10 · Accum Depr-Office Equip

165.00 · Office Equipment - Other

Total 165.00 · Office Equipment

-1,113.45

15,530.55

14,417.10

166.00 · Machinery

6

166.10 · Accum Depr-Machinery	-11.59
166.00 · Machinery - Other	<u>608.62</u>
Total 166.00 · Machinery	597.03
172.00 · Video Equipment	
172.10 · Accum Depr-Video Equip	-5,793.97
172.00 · Video Equipment - Other	<u>108,437.33</u>
Total 172.00 · Video Equipment	<u>102,643.36</u>
Total 160.00 · Fixed Assets	<u>144,084.04</u>
Total Fixed Assets	144,084.04
Other Assets	
195.00 · Construction in Progress	
195.01 · General Contracting	53,018.02
195.02 · Electrical	22,273.73
195.04 · Fiber Optic Feed	<u>26,371.06</u>
Total 195.00 · Construction in Progress	<u>101,662.81</u>
Total Other Assets	<u>101,662.81</u>
TOTAL ASSETS	<u><u>408,128.41</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
201.00 · Accounts Payable	<u>6,800.00</u>
Total Accounts Payable	<u>6,800.00</u>
Total Current Liabilities	<u>6,800.00</u>
Total Liabilities	6,800.00
Equity	
290.00 · Capital Surplus (Donated Equip)	23,745.00
298.00 · Retained Earnings	396,588.95
Net Income	<u>-19,005.54</u>
Total Equity	<u>401,328.41</u>
TOTAL LIABILITIES & EQUITY	<u><u>408,128.41</u></u>

7

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that an Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

ought to pass as amended.

(Aldermen Lopez, Roy, Sysyn and O’Neil voted yea; Alderman DeVries voted nay)

Respectfully submitted,

December 6, 2005. In Board of Mayor and Aldermen.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne, it was voted to refer to the Committee on Administration/Information Systems.

L.R. Bernier

Clerk of Committee

City Clerk

[Signature]
[Signature]

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

Chapter 94: Noise Regulations

Section

General Provisions

- 94.01 Purpose
- 94.02 Scope
- 94.03 Definitions
- 94.04 Enforcement
- 94.05 Measurements
- 94.06 Submission of Fees

Minimum Standards

- 94.10 Noise Levels
- 94.11 Exemptions
- 94.20 Motor Vehicles

Administration and Enforcement

- 94.40 Noise Variance Board
- 94.42 Application Procedures
- 94.43 Prohibited Conduct
- 94.44 Penalties

Statutory reference:

Authority of city to regulate noise, see R.S.A. 47:17 II & XV.

GENERAL PROVISIONS

§ 94.01 PURPOSE.

It is the policy of the Board of Mayor and Aldermen of the City of Manchester to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of Manchester through the reduction, control and prevention of noise. It is the intent of this ordinance to establish standards that will eliminate and reduce unnecessary environmental noise throughout the community which may be physically harmful or otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 94.02 SCOPE.

This ordinance shall only apply to noise originating within the city limits of the City of Manchester, NH that is traveling in the atmosphere or environment. This ordinance shall apply to all bodies of water within the city limits of the City of Manchester, irrespectively if they flow through or are contained partially or entirely within the city limits.

§ 94.03 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBIENT SOUND LEVEL. The A-weighted sound level of all sound associated with a given environment, exceeded ninety percent (90%) of the time measured and being a composite of sounds from many sources during the period of observation while the sound from the noise source of interest is not present.

ANSI. The American National Standards Institute.

ANSI S SERIES STANDARDS. Those ANSI standards relevant to sound, acoustics, shock, vibration and bioacoustics.

A-WEIGHTED SOUND PRESSURE. The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

COMMERCIAL POWER EQUIPMENT. Any equipment or device rated at more than five horsepower and used for building repairs or property maintenance excluding snow removal equipment.

COMMERCIAL PREMISES. Any land parcel with buildings where the use of less than fifty percent (50%) of the gross floor area meets the definition of residential premises. Includes locations of various scale operating as retail, automotive use, restaurant, governmental, financial, entertainment and cultural and shopping centers as identified pursuant to the Manchester Zoning Ordinance.

CONSTRUCTION EQUIPMENT. Any device or mechanical apparatus operated by fuel, electric, or pneumatic power in the excavation, construction, repair, or demolition of any building, structure, land parcel, street, alley, waterway, or appurtenance thereto.

DECIBEL. A logarithmic unit of measure often used in measuring magnitudes of sound. The symbol is dB.

DOMESTIC POWER EQUIPMENT. Any equipment or device rated at five (5) horsepower or less and used for building repairs or grounds maintenance excluding snow removal equipment.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

EMERGENCY VEHICLE. An authorized motor vehicle that has sound warning devices such as whistles, sirens and bells which can lawfully be used when responding to an emergency, during a police activity or which is required by state or federal regulations (i.e., reverse alarms).

EMERGENCY WORK. An activity made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to imminent danger. It includes work by private or public entities for providing or restoring immediately necessary service as well as all situations deemed necessary by the city.

EMERGENCY POWER GENERATOR. The equipment used to generate electrical power in the event of an interruption, malfunction or failure of the electrical power supplied by the service provider.

GROSS FLOOR AREA. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

INDUSTRIAL PREMISES. Any premise where the production of goods, materials or knowledge takes place. May include locations for manufacturing, warehousing, research and development, distribution or other selected offices as identified pursuant to the Manchester Zoning Ordinance.

MOTOR VEHICLE. Any vehicle that is self-propelled, used primarily for transporting persons or property upon public roadways and required to be licensed according to motor vehicle registration laws. The term motor vehicle shall not include: aircraft, watercraft, motor vehicles operated on private property for recreational or amusement purposes, vehicles used exclusively on stationary rails, or specialized utility vehicles normally used only on private property in the daily course of business such as forklifts, and pallet movers.

NOISE. Any sound that exceeds the standards set forth in this chapter, annoys or disturbs a reasonable person of normal sensibilities, or causes or tends to cause any adverse psychological or physiological effect on humans.

NOISE VARIANCE. Specific relief from the terms of this chapter as granted by the Noise Variance Board.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

PERSON. An individual, corporation, partnership, association, organization or similar entity.

PREMISES. Any building, structure, land, utility or portion thereof, including all appurtenances, and shall also include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person.

PROPERTY LINE. The real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person. The vertical and horizontal boundaries of a dwelling unit in a multi-dwelling unit building, condominium, or townhouse complex shall not be considered property lines separating one (1) property from another.

PUBLIC PREMISES. All real property including appurtenances thereon which is owned or controlled by any governmental entity and shall include streets, alleys, parks and waterways.

RECEPTOR PREMISES. The premises (residential, commercial, industrial, or public) as listed in Table A which is receiving noise emitted from the source premises after crossing one or more property lines. Also referred to as the receiving premise.

RESIDENTIAL PREMISES. Any premises where single or multiple dwelling units exist and shall include primary schools, churches, nursing homes and similar institutional facilities including any commercial premises where the use of more than fifty percent (50%) of the gross floor area meets this definition of residential premise.

SOUND. An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

SOUND LEVEL METER. An apparatus for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication S1.4 entitled Specification for Sound Level Meters.

SOUND PRESSURE LEVEL. Twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} Newtons/meter²) and is expressed in decibels (dB).

SOURCE PREMISES. The premises (residential, commercial, industrial, or public) as listed in Table A that is emitting noise that is crossing one or more property lines and impacting the receptor premises.

SNOW REMOVAL EQUIPMENT. Any equipment used for removing snow from land or building surfaces and shall include snowplows, snow blowers, snow sweepers, and snow shovels.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

TABLE A. The reference table contained in § 94.10 of this chapter that details the maximum allowable noise levels for all premises in the City of Manchester, including a time of day allowance. Measurements of noise levels are made at the property line of the receiving premises.

TABLE B. The reference table contained in § 94.20 of this chapter that details the maximum allowable noise levels for all motor vehicles operating in the City of Manchester during any time of the day or night. Measurements of noise levels are made twenty-five (25) feet from the source motor vehicle.

TREE MAINTENANCE EQUIPMENT. Any equipment used in trimming or removing trees only and shall not be limited to chainsaws, chippers and stump removers.

§ 94.04 ENFORCEMENT.

The Chief of Police or his designee shall have and exercise the power to enforce the provisions of this title. Licenses or permits issued pursuant to this title shall also be enforced by a designee of the Office of the City Clerk. Enforcement shall include entering areas of public access or operation, free of charge, to ensure compliance and issuance of citations for any violations with penalties to be assessed as provided in §94.44 of this title.

§ 94.05 MEASUREMENTS.

For the purposes of this ordinance, the measurement of all physical parameters or entities associated with acoustics, sound, noise, or vibration shall comply with the most recent S series standards of ANSI, American National Standards Institute, Standards for Sound, Acoustics, Shock and Vibration, Bioacoustics. Furthermore, all physical parameters, or entities determined or calculated from such measurements relevant to acoustics, shock, vibration or bioacoustics shall be determined or calculated in accordance to the most recent S series standards of ANSI where so applicable.

§94.06 SUBMISSION OF FEES.

Fees for permits, applications and licenses shall be submitted with the applications under this chapter and shall be considered nonrefundable.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

MINIMUM STANDARDS

§ 94.10 NOISE LEVELS.

Noise levels shall be measured at any point along the property line or within the property line of the receiving premises to determine compliance of the source. When it is determined that the ambient sound level at the receiving premises equals or exceeds the maximum allowable sound pressure level specified in Table A, then the ambient sound level is the standard which cannot be exceeded by the source. The following table identifies allowable noise levels within various areas throughout the City:

TABLE A

Maximum Allowable Noise Levels (in dBA) with Time of Day Allowance

	Receptor Premises							
	Residential		Commercial		Industrial		Public	
Source Premises	7am-10pm	10pm--7am	7am--10pm	10pm--7am	7am--10pm	10pm--7am	7am--10pm	10pm--7am
Residential	55	50	65	60	80	75	75	70
Commercial	55 [60]	50 [60]	65	60	80	75	75	70
Industrial	55 [65]	50 [65]	65	60	80	75	75	70
Public	55 [60]	50 [60]	65	60	80	75	75	70
Body of Water	55	50	65	60	80	75	75	70
(The numbers in brackets are the allowable limits that comply with § 94.11 (N) Exemptions.)								

§ 94.11 EXEMPTIONS.

The maximum permissible sound pressure levels as specified in Table A shall not apply to sounds emitted from:

- (A) Any bell or chime from any building clock, school or church, not including any amplified bell or chime sounds emitted from loudspeakers.
- (B) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, police activity or imminent danger.
- (C) Any aircraft in flight subject to federal law regarding noise control.
- (D) Any ground-based aircraft activity including testing or engine run-up noise.
- (E) Any motor vehicles designed for and operated on public streets, alleys, highways or freeways that are regulated by Table B.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(F) Any tree maintenance equipment operated upon a residential, commercial, industrial or public premises provided that operation of tree maintenance equipment between the hours of 9:00 p.m. and 7:00 a.m. shall not exceed the maximum noise levels as specified in Table A.

(G) Any construction equipment or activities in compliance with § 94.43 (F) of this ordinance.

(H) Any domestic power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound pressure level of eighty (80) dBA when measured at the property line of the receiving premise.

(I) Any commercial power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound pressure level of eighty-eight (88) dBA when measured at the property line of the receiving premise.

(J) The musical instruments of any school marching band while performing at any sporting event or marching band competition, and the musical instruments of any school marching band practicing on school grounds between the hours of 9:00 a.m. and 8:00 p.m. that do not exceed sixty-five (65) dBA when measured at the property line of the receiving residential premise.

(K) Following a snowstorm, snow removal equipment operated on any premises between the hours of 5:00 a.m. and 10:00 p.m. provided that such equipment does not exceed the sound pressure limits for commercial power equipment (eighty-eight (88) dBA) or domestic power equipment (eighty (80) dBA) when measured at the property line of the receiving premise.

(L) Any power generator providing emergency electrical power at any hospital, health clinic, nursing home or similar facility where the loss of electrical power creates an immediate risk to the health, safety or welfare of any person, or at any premises where such equipment is required by the Manchester Fire Department. Additionally, the noise emitted during the routine testing of emergency electrical power generators shall not exceed eighty-eight (88) dBA when measured at the property line of the receiving premise. Routine testing shall not exceed one (1) hour in any one-week period, or two (2) hours in any six-week period and shall be confined to the hours of 10:00 a.m. to 4:00 p.m. or as otherwise approved.

(M) Any industrial, commercial, or public premises exceeding the standards of Table A at a receiving residential premises when the zoning of the receiving residential premises does not allow residential use (residential use is nonconforming). However, in such a situation, the noise emitted by the industrial, commercial, or public premises shall not exceed the standards for receiving industrial premises.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(N) Any industrial, commercial, or public premises exceeding the standards of Table A at a receiving residential premises when such industrial, commercial, or public premises and their emitted noise level were in existence prior to the existence of the residential premises, provided however that the existing industrial premises does not exceed sixty-five (65) dBA and the commercial premises do not exceed sixty (60) dBA when measured at the receiving residential premises.

(O) Any water craft or noise emanating from or on a body of water between the hours of 7:00 a.m. and 10:00 p.m. provided that such noise does not exceed a sound pressure level of eighty-eight (88) dBA when measured at the property line of the receiving property and further provided that between 10:00 p.m. and 7:00 a.m. such equipment does not exceed the maximum sound pressure levels as specified in Table A.

§ 94.20 MOTOR VEHICLES.

All noise levels from motor vehicles shall be measured at twenty-five (25) feet from the source vehicle to determine compliance. Except where preempted by state law the standards in Table B shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion.

TABLE B

Maximum Allowable Noise Levels for Motor Vehicles

Type of Vehicle	Time Period	Maximum Allowable Sound Pressure Level measured in dBA	Measurement Distance from Motor Vehicle
Motor vehicles weighing less than 10,000 pounds, manufacturers gross vehicle weight	At any time	80	25 feet

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

LICENSE REQUIREMENTS

ADMINISTRATION AND ENFORCEMENT

§ 94.40 NOISE VARIANCE BOARD.

It is recognized that in initiating community noise limits, any number of unanticipated situations may occur. Although the City is primarily concerned with protecting, preserving and promoting the health, safety, welfare and peace and quiet of the citizens of Manchester, the City realizes that there may be preexisting conditions that need an extended period of time to conform to the noise limits imposed by this ordinance. The City also recognizes that events or incidents can occur where there was every good faith expectation of complying with the noise limits imposed by this ordinance, but for some unforeseen circumstance, those events or incidents failed to comply.

This section hereby establishes a Noise Variance Board in which members shall approve or deny variances to this chapter, hereinafter referred to as a noise variance. The board shall consist of the Committee on Administration of the Board of Mayor and Aldermen.

§ 94.42 APPLICATION PROCEDURES.

Applications must be submitted to the Office of the City Clerk. General guidelines may be considered in the issuance of a noise variance. These guidelines are not all inclusive and other criteria may be established that is reasonable and prudent to protect the public or limit the anticipated detrimental impact of noise upon the community. The guidelines are as follows:

(A) Variances shall be granted prior to or in anticipation of an event.

(B) The City reserves the right to grant a variance after the fact if it is deemed by the Noise Variance Board to be in the public good, if the Board believes that an honest, fair and reasonable attempt was made to comply with the noise limits imposed by this ordinance, or the failure to comply was due to some unforeseen circumstance.

(C) A variance for the continuation of a non-complying activity may be granted after a reasonable attempt was made to comply and may contain such stipulations as the Board may deem necessary to protect the public that may include, but is not limited to:

1. Regulation of times;
2. The erection of noise barriers, shielding or other noise abatement; and
3. A demonstration of compliance progress.

City of Manchester New Hampshire

In the year Two Thousand and Five

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

(D) The applicant bears the burden of presenting evidence sufficient to allow the Noise Variance Board to reach conclusions and make findings to support the authorization of a variance.

(E) The Board may require a public hearing on a certain matter to permit abutting landowners to present written or oral testimony for consideration of granting or denying a variance.

(F) The Board may request review and recommendations from various City departments including the Building Commissioner, Public Health Director, Director of Planning, Chief of Police, City Clerk or their designees. Testimony of department representatives may be requested at a variance hearing.

(G) Final decisions shall be made available within seventy-two (72) hours after a vote on an application. A written decision will be mailed to the applicant with copies made available to the departments of Health, Police and City Clerk.

(H) In granting a variance, the Board may impose such conditions or stipulations as it deems necessary and proper in order to preserve the intent of this chapter.

(I) All decisions by the Noise Variance Board are final and may not be appealed to any other municipal board, committee or commission.

(J) As community noise is a public health concern, noise variances shall only be granted for a reasonable period of time, not more than two (2) years.

(K) The renewal of a variance after two (2) years requires the consent of the Board of Mayor and Aldermen.

(L) Variances shall not be granted for continued or sustained violations that may be physically injurious to one or more persons as determined by the Public Health Director.

(M) Once an application has been denied by the Noise Variance Board, the same application may only be considered if the Board finds that the application is materially different in nature and degree from the prior application.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 94.43 PROHIBITED CONDUCT.

The following conduct is prohibited:

(A) Provide any false or inaccurate information to any City board, committee, commission or any employee of the City of Manchester, in an attempt to deceive or otherwise avoid compliance with this ordinance.

(B) Hinder, obstruct, delay, resist, interfere, or attempt to interfere with any authorized person while in the performance of their duties under this ordinance.

(C) Emit or cause to be emitted any noise which leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in Table A, without a variance.

(D) Emit or cause to be emitted any noise within the public premises in excess of the limits defined in Table A without a variance.

(E) Reserved

(F) Operate any construction equipment or conduct any construction activities between the hours of 9:00 p.m. and 7:00 a.m. that exceed the noise limits of Table A. The City may grant variances from the construction restrictions if it can be demonstrated that a construction project will interfere with traffic if completed during daytime hours.

(G) Operate any trash compacting mechanism on any motor vehicle, or engage in any trash, rubbish or garbage collection activity between the hours of 10:00 p.m. and 7:00 a.m., when such activity takes place on any premises adjacent to a residential premises.

(H) Operate or permit the operation of any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the noise limits for the category of motor vehicle and for the designated time period as specified in Table B.

(I) Sound any horn or other audible signal device of an automobile, motorcycle, streetcar, or other vehicle unless it is necessary as a warning to prevent or avoid a traffic accident or reasonably inform or warn of a vehicle presence.

(J) Modify or change the exhaust muffler, air intake muffler or any other sound reducing device in such a manner that the noise emitted from the motor vehicle exceeds the sound pressure levels as established in Table B of § 94.20 except where permitted by state law.

City of Manchester New Hampshire

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AN ORDINANCE

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(K) The noise limits in Table A and Table B notwithstanding, no person shall:

- 1) Make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.
- 2) Use, operate or permit to be played, used or operated of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the inhabitants of a neighboring premises. The operation of any such set, instrument, phonograph, machine or device by a commercial establishment between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the lot line, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- 3) Use, operate, or permit to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in such a manner that the occupants of a neighboring premises disturbed or annoyed.
- 4) Yell, shout, hoot, whistle, or sing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in neighboring premises.
- 5) Keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in a neighboring premises.
- 6) Use any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- 7) Transport rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

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“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

§ 94.44 PENALTIES.

(A) Each act of violation of § 94.43 Prohibited Conduct and every day upon which any such violation shall occur in one (1) calendar year shall constitute a separate offense and follow the penalty schedule below:

(1) *FIRST OFFENSE:*

The offender shall be informed of the noise ordinance and corrective measures to achieve compliance. This shall constitute an official warning and should be accomplished in writing if possible.

(2) *SECOND OFFENSE:*

A citation shall be issued to the offender in the amount of two hundred and fifty dollars (\$250.00).

(3) *THIRD OFFENSE:*

A citation shall be issued to the offender in the amount of five hundred dollars (\$500.00).

(4) *FOURTH AND SUBSEQUENT OFFENSES:*

A citation shall be issued to the offender in the amount of one thousand dollars (\$1000.00).

(B) If the court finds for the City, the City shall recover its costs of suit including reasonable expert fees, attorney fees and necessary investigate costs.

This ordinance shall take effect upon its passage.



**City of Manchester
Office of the City Solicitor**

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Thomas R. Clark
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Thomas I. Arnold, III
Deputy City Solicitor

Daniel D. Muller, Jr.
~~Kenneth R. Bernard~~
Michele A. Battaglia
~~Marc van Zanten~~

September 27, 2005

Committee on Administration/Information Systems
c/o Leo Bernier, Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Comcast Cable Origination Points

Gentlemen:

The Committee has requested that Dr. Grace Sullivan and I provide an update on the status of cable casting origination points.

As you are aware Amendment Number 1 to the City of Manchester, New Hampshire Cable Television Renewal Franchise dated June 9, 2003 provided that Comcast would "construct, install and activate hard-wire origination capability to (1) the Manchester School Department Administration Building; (2) the Gill Stadium; (3) the JFK Memorial Coliseum and (4) the Verizon Wireless Arena ..."

The origination points at Gill Stadium and JFK Memorial Coliseum have been installed and are currently operational.

On March 31, 2004 the Superintendent of Schools wrote to the Mayor and requested that origination points be installed at the Manchester West High School gym and athletic facility and the Manchester Memorial High School gym and athletic facility rather than at the school administration building and the Verizon Wireless Arena. On April 20, 2004 the Mayor wrote to Bryan Christensen of Comcast to inquire as to whether Comcast would be willing to install origination points at West High School and Memorial High School without cost.

On August 3, 2004 Comcast wrote to Mike Colby and gave cost estimates for installing the origination points at the School Administration Building and Verizon Wireless Arena (\$28,818.50) and for installing origination points at West High School and Memorial High School (\$52,006.00). By letter from Bryan Christensen to Mayor Baines dated July 4, 2005 Comcast indicated that the additional cost of installing

8

origination points at West High School and Memorial High School (\$4,669.50) could come from the PEG Access/Telecommunication funding payment of \$50,000.00 to be made on or before July 15, 2005.

As Comcast is unwilling to absorb the extra cost of installing origination points at West High School and Memorial High School the matter was referred to the School Department to locate funding for the additional cost.

Recently Dr. Sullivan has agreed to fund the extra cost involved in changing the origination points.

As the location of the four origination points that Comcast is to install is provided for in Amendment Number 1 to the Cable Franchise Agreement, changing two of the origination points will require a vote of the Board of Mayor and Aldermen. Consequently, this committee could make a recommendation to the Board of Mayor and Aldermen that the two origination points be changed, should it choose to do so.

Please let me know if I can provide any further information or assistance.

Very Truly Yours



Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms